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Draft Record of Decision

Oregon Dunes NRA Management Area 10 (C) Designated Routes Project

Central Coast Ranger District-Oregon Dunes National Recreation Area,
Siuslaw National Forest
Coos, Douglas and Lane Counties, Oregon



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Lane, Douglas and Coos Counties, Oregon

Legal Location: Portions of T.18S., R.12W., Sections 3-5, 8-10, 16-17, 20-21, 28-29, 32-34; T.19S., R.12W., Sections 23-26, 35-36; T.23S., R.13W., Sections 23, 26, 34; T.24S., R.13W., Sections 3, 9-10, 15-16, 21-22, 27-29, 33-34. W. M. surveyed.

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Draft Record of Decision

1. Introduction

This Draft Record of Decision (ROD) documents my proposed decision to select an alternative from the Oregon Dunes NRA Management Area 10 (C) Designated Routes Project Environmental Impact Statement (FEIS). This Draft ROD was developed according to requirements of the National Environmental Policy Act (NEPA), the Council of Environmental Quality's implementing regulations (40 CFR 1500-1508), U. S. Department of Agriculture NEPA regulations (7 CFR part 1b), Forest Service NEPA regulations (36 CFR 220), and Forest Service policy in Forest Service Manual 1950 and Forest Service Handbook 1909.15.

This Draft Record of Decision contains a brief summary of the environmental analysis completed for this project, as well as the rationale for selecting the alternative I propose to implement. It also contains certain findings required by various laws and regulations, and information concerning the rights to administratively object to this proposed decision before a final decision is reached. The Oregon Dunes NRA Management Area 10 (C) Designated Routes Project FEIS is incorporated by reference in this decision document and is attached as a separate volume.

2. Background

Analysis Area and Scope

Congress designated the Oregon Dunes on the Siuslaw National Forest as a National Recreation Area (ODNRA) in 1972, and prescribed that it be managed for "...public outdoor recreation use and enjoyment," and for "the conservation of scenic, scientific, historic, and other values contributing to public enjoyment." The ODNRA is comprised of approximately 28,900 acres of forested areas, water and open sand areas between Florence and North Bend on the Oregon coast. This area of diverse and constantly changing landscapes is host to a wide array of outdoor recreational uses.

One popular use of the area is OHV riding. The ODNRA provides a riding experience almost unique in the United States, and many families travel long distances to enjoy the open sand. OHV riding is a multi-generational, social experience that connects participants to each other and the outdoors. Many families consider the opportunity to ride on the ODNRA unique and irreplaceable. OHV riders are also an important source of economic activity for coastal communities from Florence to Coos Bay. Riders travel long distances to reach the ODNRA and often stay for several days in campgrounds or hotels, purchasing supplies from local stores.

Management of the ODNRA is guided by the 1994 Oregon Dunes National Recreation Area Plan (the Dunes Plan). The Dunes Plan was adopted, following extensive public involvement and the completion of an environmental impact statement, as an amendment to the Siuslaw National Forest Land and Resource Management Plan (1990). The 1994 Dunes Plan updated and replaced the earlier 1979 Dunes Plan. The 1994 Dune Plan was appealed by 10 separate individuals or groups. Each appeal was reviewed by the Regional Office Reviewing Officer Richard Ferraro, Deputy Regional Forester. In each case he

affirmed the Forest Supervisor's decision to amend the Siuslaw National Forest Plan with management with management direction for the ODNRA.

The Dunes Plan established separate management areas with differing resource emphases within the ODNRA. The Dunes Plan set the conditions for OHV use within each management area under Executive Order 11644 and 36 CFR Part 295. The 11 management areas, their primary emphases, and associated acres are as follows:

- 10 (A) – Non-Motorized Undeveloped – 7,830 acres (27%)
- 10 (B) – Off-Road Vehicle Open – 5,930 acres (21%)
- 10 (C) – ORV on Designated Routes – 4,455 acres (15%)
- 10 (D) – Developed Corridors – 1,050 acres (4%)
- 10 (E) – Snowy Plover Habitat – 1,010 acres (3%)
- 10 (F) – Plant, Fish and Wildlife Habitat – 3,120 acres (11%)
- 10 (G) – Wetlands Emphasis – 2,540 acres (9%)
- 10 (H) – Wildlife and Fish Viewing – 315 acres (1%)
- 10 (J) – Recommended Wild and Scenic River – 1,090 acres (4%)
- 10 (K) – Research Natural Area – 1,190 acres (4%)
- 10 (L) – Noise Control Buffer – 370 acres (1%)

The Dunes Plan provides for public OHV use in two management areas:

- Management Area 10 (B) includes large areas of open sand and is managed primarily for recreational OHV use;
- Management Area 10 (C) is largely vegetated, and restricts OHV use to “designated routes.”

The Dunes Plan provides that MA 10 (C) be managed to “protect vegetated habitats while providing controlled opportunities for Off Road Vehicles (ORV) touring and traveling on designated routes.” The Dunes Plan further states that the goal for this management area is “to minimize OHV impacts on vegetated areas while allowing controlled opportunities for riding and travel through the area on designated routes for access to the beach and other areas which are open for OHV use.”

Several routes in MA 10 (C) were identified and designated in the Dunes Plan itself. These include major access points to the open sand, many of which are signed and maintained. The Dunes Plan also called for the designation of additional routes within 3 years of Plan approval and the obliteration or naturalization of non-designated, largely user-developed, routes. In MA 10 (C), then, the Forest Service was directed to:

- Designate those routes open to OHV use;
- Obliterate those routes not so designated; and
- Restrict OHV use to designated routes.

Staffing and budget constraints delayed this effort, as the Siuslaw National Forest focused on implementing other direction from the Dunes Plan, including restrictions on alcohol use, management of sand camping, development of additional access at Riley Ranch, and recovery of the threatened snowy plover. These efforts have largely been successful: restrictions on alcohol have limited wild parties and kept the Dunes open to family recreation; sand camping remains safe, predictable, and available; the Riley Ranch campground and access trail are open and popular; and the plover populations are beginning to recover. However, the delay in designating routes in Management Area 10 (C) presents the Forest Service, counties, OHV riders, and other interested parties with several management challenges.

The Dunes Plan restricts OHV use in Management Area 10 (C) to designated routes, but the only formally designated routes are the major access trails. An extensive network of unauthorized, user-developed routes continues to be used and additional routes have probably developed. None of these (except the Riley Ranch Trail) have been designated for OHV use, but undesignated routes have not been enforced as closed and allowed to re-vegetate either.

The ODNRA is an area characterized by the rapid spread of predominantly non-native, invasive plant species, especially European beachgrass (*Ammophila arenaria*). Some of the user-developed routes evolved because they were popular, regularly-used travel ways and rapid vegetation encroached on either side making what was once open sand a vegetated area, with a now “unauthorized” motorized trail through it. Other trails, as in the Fingers area, involved the gradual breakdown of upland forests as riders sought out challenging riding experiences and hill climbs.

Without a complete formal route system or adequate signing and closure orders for most of MA 10 (C), use of undesignated routes and establishment of additional user-developed routes continues. Responsible riders cannot reliably tell where riding is appropriate. As a result, the majority of existing trails within MA 10 (C) today are not designated routes. This has, in turn, led to greater and unnecessary impacts to important plant communities within and adjacent to the MA 10 (C) areas.

In 2005, the Forest Service published a final Travel Management Rule (36 CFR Part 212, Subpart B), requiring every national forest to designate those roads, trails, and areas open to motor vehicle use. Forest Service regulations (36 CFR 261.13) now prohibit use of motor vehicles that is not consistent with the designations. The Siuslaw National Forest completed the Siuslaw Travel Management Project in 2009, and has published a motor vehicle use map each year since 2010. On most of the 630,000 acre Siuslaw National Forest, travel management was relatively simple and non-controversial. Cross-country motor vehicle use in steep, wet, densely forested lands is difficult if not impossible. However, the agency recognized in 2009 that route designation in the Oregon Dunes National Recreation Area was not complete, and would be much more complex. Until route designation is completed, OHV use on many established routes in MA 10 (C) is technically prohibited but unenforced under 36 CFR 261.13, an undesirable and unsustainable situation. The 2009 Siuslaw Travel Management Project decision pointed towards the Designated Routes Project to complete designation on the Oregon Dunes National Recreation Area.

This project redeems the Forest Service’s responsibility to implement the Dunes Plan, the Travel Management Rule, and Executive Order 11644 by designating routes within MA 10 (C), providing OHV access and reasonable, enjoyable connections between valued riding areas while minimizing impacts to adjacent and intervening native plant communities and habitat.

This decision is limited in scope. While it does include two non-significant amendments to the Dunes Plan, it does not attempt to re-draw the overall balance of motorized and non-motorized allocations in the ODNRA. The Dunes Plan established that overall zoning following extensive participation by OHV riders, county governments, the environmental community, and others. The 1994 Dunes Plan was itself founded on the preceding 1979 Dunes Plan, which was developed with the help of the original Advisory Committee called for under the legislation establishing the ODNRA.

OHV riding is a legitimate and appropriate use of the Oregon Dunes, consistent with the establishing legislation for the ODNRA. This decision does not close any area zoned in the Dunes Plan for open riding. Non-motorized recreation is also an appropriate use of the Oregon Dunes. This decision does not open to OHVs any area zoned in the Dunes Plan as non-motorized. Rather, this decision addresses only Management Area 10 (C) – that portion of the ODNRA zoned for OHV use on designated routes only.

Purpose and Need Summary

The Project is needed to bring on-the-ground practice in Management Area 10 (C) into alignment with the Dunes Plan, the Travel Management Rule, and Executive Order 11644 by designating an understandable, manageable, and environmentally sustainable system of OHV routes to provide for access and enjoyment for recreational visitors. This involves two major components:

1. As directed by the Dunes Plan, the Forest Service must complete designation of appropriate routes within Management Area 10 (C) of the ODNRA. Those routes not designated for OHV use must be appropriately re-vegetated and closures must be enforced so that the purpose of the 10 (C) designation can be fulfilled, allowing OHV use on designated routes. A Forest Plan amendment would provide for designation of routes beyond the initial 3-year window envisioned in the Dunes Plan.
2. The Project also re-zones portions of Management Area 10 (C) to Management Area 10 (B) through a Forest Plan amendment, opening them to cross-country OHV use. A fundamental purpose of the 10 (C) designation in the Dunes Plan is to restrict cross-country OHV use to protect native vegetation. However, parts of Management Area 10 (C) are in fact dominated by invasive species such as European beach grass and Scots broom. In part, this reflects mapping errors that date back to the original aerial photo interpretation and vegetation typing done for the 1994 Dunes Plan. Some areas allocated as MA 10 (C) were subsequently found on the ground to better meet the appearance, conditions and management objectives of MA 10 (B). Non-native, invasive species do not need protection from impacts by OHVs. Re-zoning these areas also promotes user understanding and acceptance of restrictions that are actually needed and may further objectives for restoration of open sand.

3. Decision

Based on my review of the alternatives and environmental impacts described in the Oregon Dunes NRA Management Area 10 (C) Designated Routes Project Final Environmental Impact Statement (FEIS), the comments on the DEIS submitted by other agencies and the public, and other information available in the project record, I propose to select **Modified Alternative 4**. The specific modifications to Alternative 4 are identified in this Draft Record of Decision (ROD).

The following summarizes the analysis completed by the interdisciplinary team of the differences between Modified Alternative 4 and Alternative 4 as analyzed in the FEIS.

Modified Alternative 4 would:

- Designate an additional 2.3 miles of trails. This is the same as Alternative 4 in the FEIS.
- Reallocate 518 acres of Management Area 10 (C) to Management Area 10 (B), opening these lands to cross-country OHV use. The areas reallocated to open riding contain 46 miles of user-developed routes. This is a modification of Alternative 4 in the FEIS because the reallocations of areas A3 and A16 have been changed, and an additional area has been added, A17. In the North Riding Area, reallocation A3 has been increased from 6 acres to 28 acres, containing 1.2 miles user-developed routes. Also, in the north, A17 adds 64 acres. In the Middle Riding Area, reallocation A16 has been reduced from 132 acres to 109 acres, containing 6.3 miles of user-developed routes.

This proposed decision would amend the Siuslaw National Forest Land and Resource Management Plan (Siuslaw Forest Plan; 1990) to:

- Provide for designation of 2.3 miles of trails beyond the 3-year window envisioned in the 1994 Dunes Plan; and
- Reallocate 518 acres from Management 10 (C) – ORVs on Designated Routes Only, to Management Area 10 (B) – Open Riding

I have determined that this project-level Forest Plan amendment is not significant under regulations implementing the National Forest Management Act because it is very limited in geographic scope and does not affect the overall mix of goods and services provided from the Siuslaw National Forest.

4. Decision Rationale

I am proposing to select Modified Alternative 4 because this alternative best balances public recreation access with environmental protection in Management Area 10 (C) while bringing on-the-ground management and the Dunes Plan into alignment. In particular, my decision is guided by the following principles:

- Areas in MA 10 (C) that are dominated by invasive species and unnatural vegetation, or that were historically open sand, should generally be open to cross-country riding;
- In areas in MA 10 (C) that are dominated by fragile native vegetation including upland forests, OHVs should remain on designated trails providing through access to riding areas;
- Designations should be easy for riders to understand and recognize on the ground, and therefore easier to enforce; and
- The decision should preserve the overall balance of motorized and non-motorized opportunities established in the Dunes Plan.

In proposing this decision, I have considered how well each alternative meets the purpose and need, and also how well each alternative responds to public comments and issues.

Purpose and Need

The purpose of the Project is to bring on-the-ground practice in Management Area 10 (C) into alignment with the Dunes Plan, the Travel Management Rule, and Executive Order 11644 by designating an understandable, manageable, and environmentally sustainable system of OHV routes to provide for access and enjoyment for recreational visitors. This requires completion of route designation, enforcement of closures, and re-zoning those portions of MA 10 (C) better suited to open riding to MA 10 (B).

Designating additional routes to help create a more comprehensive, legal, and understandable system, along with enhanced route signing, rider education, unauthorized route closure, and strong enforcement will help meet the following management objectives:

- Facilitate OHV rider access through various parts of MA 10 (C) that are currently difficult to understand and navigate on the ground;
- Provide a designated system of routes for OHV access, legally recognized in Forest Service planning documents, so that riders have assurance that riding remains legal;
- Encourage user acceptance of and compliance with designated route requirements in MA 10 (C) areas;
- Protect areas of native, upland forest by discouraging use of unauthorized, user-developed routes and allowing them to be rehabilitated or to revert naturally to a more natural condition; and
- Simplify OHV management within MA 10 (C), allowing agency personnel to focus more on visitor education, resource restoration, compliance and enforcement of closures.

The selected alternative best meets the stated purpose and need for action by maintaining riding opportunities, limiting impacts to native vegetation, and providing access to all existing designated sand camps.

How issues were considered and taken into account

Modified Alternative 4 was selected because it is the most responsive alternative to comments received on the DEIS. The individual comments and responses are found in Appendix A of the FEIS. The comments represent a wide variety of viewpoints on the preferred alternative. Some comments stated that the preferred alternative was too restrictive of motorized vehicle opportunities while other comments stated that the preferred alternative increased motorized vehicle opportunities too much. All of the comments were considered in the decision.

Using the comments from the public and other agencies, as well as internal knowledge of the area and situation, the interdisciplinary EIS team identified a list of eight issues associated with this project:

1. Maintenance of the OHV trail-riding experience
2. Noise impacts on nearby residents and non-motorized recreationists
3. OHV impacts on native vegetation
4. Rider safety
5. OHV impacts on wildlife and their habitats
6. OHV impacts on wetlands
7. Visitation and local economic effects

8. Maintenance of motorized access to designated sand camps and motorized access from sand camps within MA 10 (C) to open riding areas in MA 10 (B)

Issue 1: Trail Riding Experience

Changes to OHV route designation and enforcement of existing closures can affect the quantity and quality of OHV riding experiences. Many riders' comments spoke specifically to the importance of trail riding opportunities, especially for families. Trails through vegetation are a specific feature of MA 10 (C) not found as often in the wide-open dunes of MA 10 (B). Trails offer a different experience than open sand. Some forested trails provide the opportunity for challenge and adventure, but many of the trails on gentler ground provide a more controlled environment for family riding. Some of the best trails riding experiences are not found on the wide connecting routes between riding areas or from the open sand to the beach, but rather in the meandering system of user-developed routes through various topography and terrain. This maze of small routes developed over many years as vegetation gradually encroached into areas that were once open sand and as visitors pioneered new routes through vegetated areas in the absence of clearly signed designated routes and effective closure efforts by the Forest Service. As these mazes of trails cannot be effectively tracked and maintained as individual trails, an effective way to continue providing this recreation opportunity is to reallocate trail maze areas as MA 10 (B) (open riding) and rely on continued use to keep the routes open and available for the trail riding experience.

The selected alternative maintains family trail riding opportunities by re-zoning 518 acres of gentler ground including 46 miles of user-created trail for open riding.

Issue 2: Noise

The sound of OHV riding can affect the lives of nearby residents and the quality of non-motorized recreationists' experiences. Buffers near homes and popular non-motorized campgrounds and an overall limit on vehicle sound emissions are built into the design of the Dunes Plan. We received comments on noise from local residents, and the issue of noise was incorporated into the design of each alternative. Therefore, there is no measureable difference among any of the alternatives with regard to the possible impact of noise on nearby residents and non-motorized recreationists. No designated routes or proposed reallocations to open riding are proposed in areas that will increase sound from OHVs into residential areas or areas of quiet recreation. In fact, areas of unauthorized user-developed routes along the eastern boundary of the ODNRA from which sound funnels down into nearby communities would be enforced as closed, therefore reducing the impact of sound in all alternatives.

The selected alternative retains all sound buffers and sound restrictions in the Dunes Plan.

Issue 3: Native Vegetation

Route designation and re-zoning from 10 (C) to 10 (B) may affect native vegetation. This issue was raised by environmental organizations, ecologists, scientists and others, and applies to those portions of MA 10 (C) which are dominated by native vegetation rather than by invasive species. The issue is complicated by the fact that patterns of vegetation have been heavily altered by humans over time -- both directly (plantations of beach grass, Scots broom, and shore pine) and indirectly (vegetation developing on areas affected by dune stabilization). Some areas now dominated by native vegetation, such as

wetlands in the deflation plain and shore pine plantations, were once open sand. Other areas, such as tree islands and the Fingers in the Middle Riding Area, have been forested for many decades.

The selected alternative protects native forests by focusing OHV use on those parts of MA 10 (C) that were historically open sand. Only 2 acres of native forest known as Banshee Hill are re-zoned for riding on long-established trails.

Issue 4: Rider Safety

This issue was raised primarily by riders concerned that closure of user-developed, unauthorized routes may affect rider safety by concentrating riders into smaller areas and fewer routes.

While rider density can affect safety, there are multiple factors that determine the "safety" of the OHV riding setting and experience. Among these are: rider behavior, speed, ability, topography, visibility, familiarity with the area/terrain, protective gear, and familiarity with the machine. Past history at the Dunes seems to indicate that even in popular, more congested areas of the ODNRA, vehicle on vehicle accidents are rare. Most rider injuries occur in lower density areas and are due to people operating machines beyond their skill/competency level, rather than from crashing into one another.

By its nature, OHV riding can be a high risk outdoor recreation activity. Given the numerous rider safety variables over which the Forest Service has no control and the inability to accurately predict future rider density, the Forest has proposed only alternatives that it believes provide for rider safety. The Forest has not proposed any alternatives believed to be potentially dangerous to OHV riders, taking into consideration the inherently dangerous aspects of the activity.

Most riding on the Oregon Dunes takes place in MA 10 (B), the area zoned for open riding. The selected alternative re-zones the most popular areas and trails within MA 10 (C) for open riding as well. By avoiding any closure of popular, heavily used riding areas, the selected alternative would not result in any measurable increase in rider concentration, and would not affect rider safety.

Issue 5: Wildlife and Habitat

The issue of wildlife habitat was incorporated into the design of each alternative. All action alternatives seasonally close the Siltcoos Beach beach access to motorized vehicles from September 16 through March 14 to protect snowy plover wintering habitat. All alternatives protect natural wetlands and natural upland forests, and the wildlife associated with them. Formal consultation on Threatened, Endangered and Proposed Species with the U.S. Fish and Wildlife Service was initiated through a biological assessment. A draft biological opinion from the U.S. Fish and Wildlife Service was received August 29, 2014. A final is expected soon.

Issue 6: Wetlands

Natural Wetlands: The issue of natural wetlands was incorporated into the design of each action alternative. Natural wetlands are protected by project design criteria in all alternatives.

Unnatural Wetlands: Unnatural wetlands have developed behind foredunes due to the introduction and establishment of European beach grass. These wetlands continue to increase in size eastward as the local foredune increases in height. Current OHV use in and in the vicinity of these wetlands is not inhibiting the eastward expansion of deflation plains. In many cases, large areas of historically open sand are now

inundated and crowded with vegetation, with only a few narrow trails remaining. The interdisciplinary team used historic photos to distinguish natural wetlands and natural vegetation from those created due to stabilization of dunes by invasive beach grass. The selected alternative protects natural wetlands, and allows OHV use to continue in unnatural wetlands that were formerly open sand by re-zoning them as MA 10 (B).

Issue 7: Visitation and Local Economic Effects

Recreation and tourism is the leading economic sector for most of the Oregon coast, and especially for the communities around the Oregon Dunes. Many local businesses, including hotels, restaurants, outfitters-guides, and commercial campgrounds serve visitors directly. Even businesses not directly involved in service delivery are dependent on income and economic activity from visitors to the coast. Visitors come from across the world and for a variety of activities, renting beach houses, staying in hotels, driving Highway 101, hiking, sandboarding, taking pictures, playing on the beaches, and riding OHVs. Both motorized and non-motorized areas of the Oregon Dunes are popular with visitors.

As a group, OHV riders are important contributors to the economy. The sport is social and family-based and involves equipment that is expensive to purchase and to maintain. The Oregon Dunes is one of the country's premier destination OHV riding areas, and attracts enthusiasts from around the world. Counties, communities, riders, and the Forest Service are united in wanting to preserve this opportunity.

Comments from county and local governments, community members, and riders expressed concern that closure of non-designated, user-developed, unauthorized routes could reduce visitation and thereby adversely affect local economies.

Many factors affect annual visitation to the Oregon Dunes, including weather, fuel costs, other available destinations, and the state of the broader economy. All the variables that affect a person's decision to visit the Oregon Dunes interact with each other, making it very difficult to predict the effects of marginal changes in local policy on an individual decision to visit.

The scope of this decision is very limited, and none of the alternatives considered here changes the overall balance of motorized and non-motorized uses established in the Dunes Plan. Areas zoned for open riding will remain open. Areas zoned non-motorized will remain non-motorized. This decision affects only that part of the Dunes zoned for riding on designated trails (MA 10 (C)).

Parts of MA 10 (C) are popular with riders, dominated by non-native or introduced vegetation, and support a network of well-used, well-established trails. The selected alternative re-zones these areas for open riding. Other parts of the MA 10 (C) are dominated by natural upland forest, and support few trails. These areas would remain open only on designated routes. While some users' experiences may be affected at the margins as we bring the Dunes Plan and usage on the ground into alignment, we do not expect any change in overall visitation to the Dunes as a result of implementation of the selected alternative, or any effect on the local economy.

Past experience supports this conclusion. In the past 15+ years, three important decisions have affected OHV use at the ODNRA: the 1994 Oregon Dunes Plan; the 2003 alcohol ban in OHV riding areas; and the 2005 designated-site sand camping decision. During scoping and public comment for each of these decisions, some predicted a decline in visitation if the decision was enacted. That did not occur. Despite

enactment of all three decisions, OHV use has remained steady and there were no significant adverse economic effects in local communities.

Issue 8: Access to Sand Camps

Seven designated sand camps are connected to open riding areas only through user-created routes. Through a combination of formal route designation, re-zoning of areas to open riding, and relocation of sand camps to more favorable sites, the selected alternative ensures continued access to sand camps and availability of sand camping experiences.

Public Input Beyond the Scope of this Proposal

Many comments addressed issues ranging far beyond the narrow scope of this proposal but worthy of brief note here.

Revision of the Dunes Plan

As a component of the *Siuslaw National Forest Land and Resource Management Plan* (Forest Plan), the Dunes Plan establishes the overall management direction for the Oregon Dunes NRA, including the balance of motorized and non-motorized recreation opportunities. The Dunes Plan was first approved in 1979, and was revised in 1994.

Many comments from OHV riders and others suggest re-zoning all of MA 10 (C), including native upland forests, for open riding. Others suggest establishing new riding opportunities, connecting the southern riding area and the middle riding area with a designated trail or otherwise opening up large non-motorized portions of the Dunes to OHV use. Meanwhile, comments from non-motorized visitors and others suggest closing all or major parts of the Dunes to OHV use. These comments mirror those the Siuslaw has received in each revision of the Dunes Plan. The balance between motorized and non-motorized recreation opportunities on the Oregon Dunes has been at issue since before the Oregon Dunes NRA was established, and at some level the partisans on all sides remain unsatisfied with the result.

I am sensitive to the passion and dedication that people bring to the fundamental questions around how the Oregon Dunes should be managed and for whom, and there's a time and a place to wrestle with them. But this is not that time. Forest Plan revisions are expensive and time consuming, the next Forest Plan revision is not scheduled for several years, and the continuing debate over how much of the Dunes should be zoned for OHV use has not raised any fundamentally new questions. The route designation decision documented in this ROD implements the Dunes Plan and includes two non-significant amendments to bring the intent of the Dunes Plan into alignment with use on the ground. Revision of the Dunes Plan is beyond the scope of this Draft ROD.

Control of Invasive Species and Restoration of Open Sand

The greatest threat to both the ecology of the Oregon Dunes and to their continued public enjoyment is the spread of invasive species. Beginning late in the 19th century, communities and government agencies, including the Forest Service, planted European beachgrass in dunes along the Pacific coast to protect harbors, highways, and communities from blowing sand. It did its job too well. European beachgrass continues to stabilize sand and to change the processes that created and maintain the Oregon Dunes.

Foredunes trap sand and prevent its inland movement, allowing winds to scour out the deflation plain. Beachgrass-stabilized dunes are quickly dominated by shrubs and trees in this temperate rainforest.

The Dunes Plan calls for vegetation treatment to restore dune geomorphological processes in localized areas, with an emphasis on snowy plover habitat and globally significant plant communities (Dunes Plan, III-13 to III-18). Manual, mechanical, and chemical treatments and prescribed fire have been successful in controlling invasive species at specific sites – especially around snowy plover habitats. In 2013, the Siuslaw National Forest mechanically removed invasive vegetation from 44 acres near Bull Run with the help of a D7 bulldozer, the local fire crew, and enthusiastic OHV riders. Additional treatments are carried out every year – but the scope of the challenge, the limits of available resources and control techniques, and the hardness of beachgrass mean that this will be an ongoing effort.

Many comments from OHV riders pointed to invasive beachgrass – not OHVs – as the chief threat to the dunes, and argued that we should redouble efforts to control beachgrass rather than close the dunes to OHV use. In large part, we agree. We do not propose to close any open riding areas, but instead to open 518 acres dominated by invasive species by re-zoning them from Management Area 10 (C) to Management Area 10 (B). Meanwhile, we are working on two levels to address the invasive species problem itself. Specific, on-the-ground projects like Bull Run are implemented each year while we simultaneously develop an overall strategy for dunes restoration in cooperation with riders and environmental groups. However, these efforts are addressed in separate environmental analysis, beyond the scope of this ROD.

Designation of OHV routes (this proposed decision) and control of invasive species (as in the Bull Run treatment decision) are distinct projects, each implementing the overall direction of the Dunes Plan. We need not choose one or the other.

Environmental Effects

This proposed decision considers the balance of environmental effects presented in detail in Chapter 3 of the FEIS. All of the alternatives are consistent with all applicable laws including the Endangered Species Act, the National Forest Management Act, the Clean Water Act, and the Act designating the Oregon Dunes NRA.

5. Public Involvement

Chapter 1 of the FEIS describes in detail the public outreach and involvement associated with this project. Comments on the DEIS made by individuals and organizations are individually addressed in Appendix A of the FEIS. The perspective and individual points in these comments were considered by the interdisciplinary team. For specific information on how comments were addressed, refer to Appendix A.

In 2009, the Siuslaw National Forest hired an independent contractor to assemble and facilitate a working group with a wide variety of interests to discuss the challenges and opportunities associated with OHV use in that portion of the Oregon Dunes NRA zoned for riding on designated routes (Management Area 10 (C)). The working group held public meetings and field trips throughout the Dunes, and in 2010 provided a report including a range of different ideas and recommendations regarding trails and riding areas, posted on the Forest website. The Forest Service considered the working group's report in developing an initial proposed action for public consideration.

Scoping

The Forest published a Notice of Intent to prepare an EIS on June 24, 2011. A scoping letter was mailed to approximately 150 individuals, groups and agencies. Over 800 scoping comment letters were received, as well as petitions containing nearly 6,500 signatures and comments.

Responses expressed a wide variety of opinions about the proposed action and information to be disclosed in the draft EIS. These comments were used to identify issues, alternatives to the proposed action, and the extent of environmental analysis necessary for making an informed decision. Information obtained from the scoping process is contained in the Project Record.

Using the comments from the public and other agencies, the interdisciplinary EIS team identified eight issues associated with this project:

- Maintenance of the OHV trail-riding experience
- Noise impacts on nearby residents and non-motorized recreationists
- OHV impacts on native vegetation
- Rider safety
- OHV impacts on wildlife and their habitats
- OHV impacts on wetlands
- Visitation and local economic effects
- Maintenance of motorized access to designated sand camps and motorized access from sand camps within MA 10 (C) to open riding areas in MA 10 (B)

Comments on the DEIS

The Forest published a Notice of Availability of the Draft EIS in the Federal Register on October 24, 2012. The Draft EIS was posted to the Forest website. The Forest sent about 700 letters and emails announcing the Notice of Availability of the Draft EIS with a web link to the project on the Forest Service website. The Draft EIS was placed in public libraries and was available at the Forest Service offices in Reedsport, Waldport and Corvallis. At the request of the public the initial 45-day comment period was extended an additional 45 days to January 22, 2013. The Forest hosted a public meeting in Florence on November 17, 2012. Another public meeting was held in Eugene in January, 2013. Other meetings with interested members of the public took place in Corvallis in December, 2012 and in Roseburg in January, 2013. In addition the Forest met with the Coos, Douglas, and Lane County Commissioners. The Forest received approximately 1300 comments on the Draft EIS during the extended comment period.

Comments and agency responses are included in the FEIS, Appendix A.

Public comments were used to extend and improve the environmental analysis in the EIS to ensure that all environmental impacts were considered and disclosed. Comments were also used to modify Alternative 4 by adjusting areas proposed for re-zoning as open riding. Many comments were mutually exclusive, and beyond the scope of the proposal (re-zone all of the Dunes for open riding; re-zone all of the Dunes as closed). I believe that Alternative 4 Modified strikes a reasonable balance, consistent with the Forest Plan, by re-zoning lands dominated by non-native vegetation for open riding while protecting fragile upland forests from trail development.

Consultation with Tribes

The Forest Service consulted on a government-to-government basis with the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, and a Tribal representative was included in the original working group to ensure that Tribal interests were incorporated into the initial project design. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians sent a comment during the comment period in support of the project.

The Siuslaw National Forest also discussed the Designated Routes project during regular consultation meetings with the Confederated Tribes of the Siletz and the Confederates Tribes of the Grand Ronde. Each of these Tribes deferred to the Coos, Lower Umpqua, and Siuslaw for input on this project.

6. Alternatives Considered

Six alternatives were developed and analyzed in detail in the FEIS. Two additional alternatives were considered but dropped from detailed consideration. For a more detailed description of Alternatives see pages 63-164 of the FEIS.

Alternative 1

Under Alternative 1, the No Action alternative, current management plans would continue to guide management of the project area. No additional routes would be designated and no management areas would be reallocated to accomplish the identified project goals.

This alternative represents the most radical change in OHV opportunities of all the alternatives. User-developed routes within areas of MA 10 (C) not designated in the 2009 Travel Management Decision were, by definition, closed to motorized use when the initial Siuslaw National Forest Motor Vehicle Use Map was published on December 31, 2009. However, those routes and areas have not yet been physically closed nor stringently enforced on the ground. OHV riders have continued to ride on many miles of user-developed routes in MA 10 (C), pending completion of this decision to designate additional routes. Once this effort is complete, those routes and areas not designated in the 2009 Travel Management decision or in this, the MA 10 (C) Designated Routes decision, will be formally closed and strictly enforced under provisions of the 2005 Travel Management Rule (36 CFR Part 212).

Alternative 2

This alternative designates an additional nine OHV routes, totaling approximately 3.4 miles. All nine proposed routes exist on the ground as historic, user-developed routes and thus would involve no construction or new ground-disturbing activity except mechanically widening a 0.1 mile existing route. Any user-developed routes not designated in this alternative would be enforced as closed to motorized use and obliterated or allowed to naturally revert.

This alternative would also modify Management Area boundaries, reallocating approximately 234 acres containing about 30 miles of user-developed routes from MA 10 (C) to MA 10 (B) in order to continue to provide OHV trail riding opportunities and to manage 10 (C) areas that physically resemble adjacent 10 (B) areas in a manner consistent with MA 10 (B) management objectives. The reallocation includes an

area commonly known as Banshee Hill in the Umpqua Dunes riding area. Approximately 102 miles of unauthorized user-developed routes would be closed and obliterated or allowed to revert naturally.

Alternative 3

This alternative designates eleven routes totaling approximately 3.6 miles as open to motorized vehicles. All proposed routes exist on the ground as historic, user-developed routes and thus would involve no construction or new ground-disturbing activity. Any user-developed routes not designated would be enforced as closed to motorized use and obliterated or allowed to naturally revert. Approximately 131 miles of unauthorized user-developed routes would be enforced as closed and eventually naturalized.

This alternative is based on scoping comments that recommended an alternative limited to route designation only with no reallocations from MA 10 (C) to MA 10 (B).

Alternative 4

This alternative designates eight routes totaling about 2.3 miles. All proposed routes exist on the ground as historic, user-developed routes and thus would involve no construction or new ground-disturbing activity except mechanically widening a 0.1 mile existing route. The alternative would also modify Management Area (MA) boundaries, reallocating approximately 455 acres containing about 49 miles of user-developed routes. The reallocation from MA 10 (C) to MA 10 (B) would provide OHV trail riding opportunities. Areas that were zoned MA 10 (C) but more closely resemble MA 10 (B), would be managed to meet MA 10 (B) objectives. Approximately 84 miles of user-developed routes would be enforced as closed and obliterated or eventually naturalized under this action.

Modified Alternative 4

This alternative has the same proposed designated routes as Alternative 4. It differs from Alternative 4 in three proposed reallocations. The A16 reallocation in the Middle Riding Area would be reduced in acres from 132 acres to 109 acres. The western boundary of the A16 reallocation was moved further inland to reduce user conflicts on the non-motorized beach and to lessen opportunities for motorized vehicles to enter the non-motorized beach. Another change is to A3 in the North Riding Area. This reallocation was increased from 6 acres to 28 acres in order include an area popular for trail riding, particularly among families with children. A new reallocation, the 64 acre A17, was added in the North Riding Area.

Alternative 5

This alternative includes the proposed designation of ten additional routes for a total of 2.9 additional miles. All proposed routes exist on the ground as historic, user-developed routes and thus would involve no construction or new ground-disturbing activity except mechanically widening a 0.1 mile existing route. Alternative 5 also includes 12 areas that would be reallocated from MA 10 (C) to MA 10 (B). In total, about 966 acres, the most of all the alternatives, are proposed for reallocation. Within those acres, about 70 miles of user-developed routes would remain available to OHV riding. Approximately 62 miles of user-developed routes would be closed and obliterated or eventually naturalized under this action.

7. The Environmentally Preferable Alternative

Modified Alternative 4 is the environmentally preferable alternative. It is the alternative that best achieves the purposes of Section 101 of the NEPA to “create and maintain conditions in which man and nature can exist in productive harmony.” By focusing OHV use on open sand and lands dominated by invasive species, protecting fragile upland forests from trail development, and designating an understandable and enforceable system of trails for motor vehicle use, Modified Alternative 4 causes the least damage to the biological and physical environment.

8. Findings Required by Other Laws, Regulations, and Orders

National Forest Management Act

Implementation of this project requires a forest plan amendment to the Siuslaw National Forest Land and Resource Management Plan (Siuslaw Forest Plan). The 2012 planning rule provides for transition period for forest plan amendments initiated prior to May 9, 2012 (36 CFR 219.17 (3)). During the transition period, amendments may be made in conformance with the provisions of the prior planning regulation. This decision includes a forest plan amendment to the Siuslaw Forest Plan following the 1982 planning rule procedures. The Forest Service Land Management Planning Manual (Forest Service Manual 1926.51) lists four criteria for evaluating the significance of changes to forest plans:

1. Actions that do not significantly alter the multiple-use goals and objectives for long-term land and resource management.

This amendment will not change any Forest Land and Resource Management goals or objectives.

2. Adjustments of management area boundaries or management prescriptions resulting from further on-site analysis when the adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management.

The management area boundary adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management of the Siuslaw National Forest.

Alternative 4 Modified reallocates 518 acres from Management Area 10(C) to Management Area 10(B). These management area boundary changes are extremely limited in scope (518 acres out of 630,000, or less than one-tenth of 1%) relative to the entire Siuslaw National Forest, retain the overall balance of lands allocated to motorized and non-motorized uses, and are consistent with the intent of the management area descriptions (lands requiring protection from cross-country riding remain MA 10(C), while lands dominated by non-native vegetation are re-zoned as MA 10(B).

3. Minor changes in standards and guidelines.

The Dunes Plan recognized that OHV trails in MA 10(C) must be designated, but included a guideline anticipating that designation would be completed within 3 years (by 1997). This amendment recognizes that work is being completed much later than suggested. This amendment is specific to only this project.

4. *Opportunities for additional projects or activities that will contribute to achievement of the management prescription.*

No additional management practices are included in this forest plan amendment. This amendment does not apply to any other designations of OHV routes in the project area or on the Oregon Dunes National Recreation Area. This amendment does not eliminate any future opportunities to achieve the management prescription.

Finding: On the basis of the information and analysis contained in the FEIS and all other information available as summarized above, it is my determination that these two Forest Plan amendments (re-allocation of 518 acres from MA 10 (C) to MA 10 (B); and designation of OHV routes in MA 10 (C) beyond the initial 3 year window) are not significant amendments of the Forest Plan under provisions of the National Forest Management Act.

In all other respects, the project is fully consistent with the goals, objectives, standards, and guidelines of the Siuslaw National Forest Land and Resource Management Plan, as amended. This proposed decision complies with the Northwest Forest Plan as amended by the *2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*. It considers suitable habitat for survey and manage species and applies appropriate mitigations providing for a reasonable assurance of species' persistence.

Endangered Species Act

The Siuslaw National Forest concluded in a Biological Assessment for the Designated Routes Project that designation of OHV routes and re-allocation of lands for open riding has the potential to adversely affect the threatened western snowy plover (*Charadrius nivosus ssp. nivosus*). The Forest conducted formal consultation with the US Fish and Wildlife Service. The Fish and Wildlife Service's Biological Opinion concluded that the project may affect individual birds, but is not likely to jeopardize the continued existence of the species, and provided an incidental take statement and reasonable and prudent measures to prevent jeopardy. Completion of route designation and restriction of OHV riding to designated routes will improve protection of snowy plover habitat. The Forest Service has adopted the reasonable and prudent measures in this ROD.

As determined in the Biological Evaluation, implementation of Modified Alternative 4 will have no effect on any listed fish species or their designated critical habitats. Consultation with National Marine Fisheries Service (NMFS) was therefore, not necessary.

The Biological Assessment concluded that the proposed action will have No Effect on any other species listed as Threatened or Endangered.

The Project File includes the Biological Assessment, Biological Opinion, and letters of concurrence. Also refer to pages 108-115 of the FEIS for further discussion of impacts to snowy plover and other listed species.

Clean Water Act

The Clean Water Act provides direction “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters”. To carry out this law, the State of Oregon has established state water quality standards for factors such as water temperature, sedimentation, habitat modification and pH, and an anti-degradation policy to protect water quality conditions. Under the anti-degradation policy in Section 303(d), water bodies that do not meet water quality standards are designated as “water quality limited”.

Best Management Practices and Management Requirements listed in Chapter 2 of the FEIS would ensure the protection of water quality. There would be no additional effect to the parameters for which certain streams were placed on the 303(d) list. Therefore, as indicated in the FEIS page 164, Modified Alternative 4 is consistent with the Clean Water Act.

National Historic Preservation Act

Background research for cultural resources was conducted for the project, including a thorough review of relevant historic records, reference literature, and cultural resource files on the Siuslaw National Forest. The Forest Archaeologist reviewed the list of proposed actions and assessed their potential to effect historic properties according to the terms of the 2004 Programmatic Agreement between the USDA Forest Service, Pacific Northwest Region (Region 6), the Advisory Council on Historic Preservation, and the Oregon State Historical Preservation Officer (PA).

The proposed actions analyzed for the current project are covered under Appendix B of the PA, which means that the undertaking(s) may be excluded from case-by-case review with the State Historic Preservation Office (SHPO) based on inspection or monitoring as determined by the Forest Archaeologist. Specifically, under Appendix B: 14 of the PA it is noted that:

“Off-highway vehicle (OHV) trail designations that utilize existing roadways and trailways provided that no properties have been recorded within or adjacent to the roadways or trailways.”

Civil Rights, Women, and Minorities

Adverse effects on civil rights, women and minorities are not expected from implementing Modified Alternative 4, as addressed on page 164 of the FEIS. To the greatest extent possible, all populations have been provided the opportunity to comment before decisions are rendered on proposals and activities affecting human health or the environment. The activities in this decision will not have a direct or indirect negative effect on minority or low-income populations.

Environmental Justice

Executive Order 12898 directs each Federal agency to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. This order is accompanied by a memorandum, emphasizing the need to consider these types of effects during NEPA analysis. Where Forest Service proposals have the potential to disproportionately adversely affect minority or low-income populations, these effects must be considered and disclosed (and

mitigated to the degree possible) through the NEPA analysis and documentation. Effects on the human environment from implementation of Alternative 4 are expected to be similar for all human populations, regardless of nationality, gender, race, or income (refer to Page 163 of the FEIS). Restrictions on motor vehicles necessary to protect the environment and applied equally to all visitors, are not discriminatory. Therefore, Alternative 4, Modified is found to be consistent with Executive Order 12898.

Wetlands and Floodplains

Executive Order 11990 requires that government agencies take action to minimize the destruction, loss, or degradation of wetlands. Executive Order 11988 requires government agencies to take actions that reduce the risk of loss due to floods, to minimize the impact of floods on human health and welfare, and to restore and preserve the natural and beneficial values served by floodplains.

European beach grass created an unnaturally high foredune that has blocked the inward migration of sand from the beach. This has led to the creation of a larger, more permanent deflation plain and “exposure” of the water table over a larger area than would naturally occur. Off-highway vehicle traffic is having only a limited effect on the encroaching vegetation in these areas and is having little, if any, effect on exposure of the water table. Floodplains in the classic sense would not have existed in unstable, shifting sand dunes. Floodplains may be developing in areas where encroaching vegetation has stabilized the sand next to flowing water such as where Cleawox Creek flows through the deflation plain. Off-highway vehicle traffic is, again, having only a limited effect on the encroaching vegetation in these areas and is having little, if any, effect on the development of floodplains.

Travel Management Rule

Executive Order 11644 and the Travel Management Rule, 36 CFR 212.55(b) instructs the responsible official to consider the effects on National Forest System natural and cultural resources, public safety, provision of recreational opportunities, access needs, conflicts among uses of National Forest System lands, the need for maintenance and administration of roads trails, and area that would arise if the uses under consideration are designated; and the availability of resources for maintenance and administration.

Specific criteria for designation of trails and area instruct the responsible official to consider effects on the following, with the objective of minimizing:

Damage to soil, watershed, vegetation, and other forest resources.

Chapter 3, Environmental Consequences in the FEIS includes subsections that discuss effects to Botanical Resources, Hydrology and Soils, Fisheries and Aquatic Conservation Strategy.

Harassment of wildlife and significant disruption of wildlife habitats.

Chapter 3, Environmental Consequences in the FEIS includes subsections that discuss effects to Wildlife

Conflicts between motor vehicle use and existing or proposed recreational uses of National Forest lands of neighboring Federal lands.

Chapter 3, Environmental Consequences in the FEIS includes subsections that discuss effects to Recreation.

Conflicts among different classes of motor vehicles uses of National Forest lands or neighboring Federal lands.

Chapter 3, Environmental Consequences in the FEIS includes subsections that discuss effects to Recreation.

Compatibility of motor vehicle use with existing conditions in populated areas, taking in account sound, emissions, and other factors.

Chapter 3, Environmental Consequences in the FEIS includes subsections that discuss effects to Recreation.

The objective of the Designated Route Project is to implement the 1994 Dunes Plan designation of Management Area 10 (C). The five factors above were also analyzed extensively in the Dunes Plan which is an amendment to the Siuslaw National Forest Plan of which this project is tiered.

9. Objection Process

When the draft EIS was released, the associated documentation indicated that the upcoming decision would be subject to an administrative appeal process according to the Code of Federal Regulations (36 CFR 215); this process allows people who submitted comments during the comment period on the draft EIS an opportunity to appeal the final decision after it is signed. However, on March 27, 2013, new regulations were released that will apply to the Designated Routes project.

The new regulations, found at 36 CFR 218, provide an opportunity for individuals, organizations and tribal entities to file an objection to a project before the final decision is signed. This allows interested individuals, organizations and tribal entities to advise the Deciding Official about concerns regarding the final decision before the decision is made. The new 218 regulations allow anyone who submitted timely, specific written comments about the proposed project during any designated opportunity for public comment, to file an objection to the draft decision (36 CFR 218.5).

If you commented on the Designated Routes project during the scoping period, the review of the draft EIS, or during any of the public meetings, you have standing to object to the draft decision. When the final EIS and Draft Record of Decision are released for public review, you will have 45 days in which to review the documents and, if you choose, file an objection to the Draft Record of Decision.

Specific directions on how to file an objection are provided in 36 CFR 218.8. (A printed copy is available upon request.) The regulations can be found at <http://www.ecfr.gov/cgi-bin/text-idx?SID=5669c35aaf52b2cffa6f627cfb19077f&node=36:2.0.1.1.8&rgn=div5>.

Objections will be subject to review by a “reviewing officer,” because the Responsible Official for the Designated Routes project is the Siuslaw National Forest Supervisor, the reviewing officer will be the Regional Forester.

The objection process may include an opportunity for the objector to meet with the reviewing officer and the responsible official, with the objective of resolving the concerns expressed in the objection.

The responsible official cannot sign the final decision until the reviewing officer has responded in writing to all pending objections, and the decision must be consistent with any instructions issued by the reviewing officer. After the objection process concludes there will be no additional opportunity for administrative review or appeal. The final decision will be the Final administrative decision by the agency.

10. Implementation

Implementation may begin after the Record of Decision is signed.

11. Contact Information

For additional information on the FEIS and ROD, please contact Angie Morris, Interdisciplinary Team Leader, Central Coast Ranger District-Oregon Dunes National Recreation Area, PO Box 400, Waldport, Oregon 97394; Telephone (541)-563-8464.

The FEIS, ROD, and supporting documents are available for inspection during regular business hours (Monday through Friday, 7:45 A.M. to 4:30 P.M) at the Central Coast Ranger District-Oregon Dunes National Recreation Area offices in Reedsport and Waldport along with the Siuslaw National Forest Headquarter in Corvallis. The FEIS and Draft ROD are also posted on the Siuslaw National Forest website at:

<http://www.fs.fed.us/nepa/fs-usda-pop.php/?project=34220>

Signature and Date

I have been delegated the authority and I am the Responsible Official for the decisions outlined in this ROD. Note that in many cases this ROD summarized information described more completely in the accompanying FEIS. For more detailed information, please refer to the FEIS and its associated project administrative record.